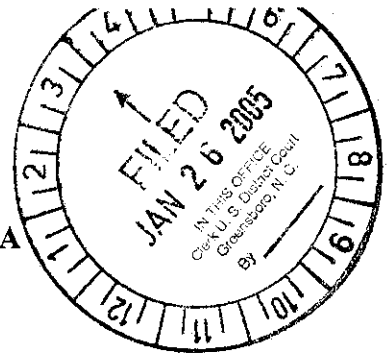


**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**



**IN RE: PROCEDURAL RULES FOR
ELECTRONIC CASE FILING**

)
)
)

STANDING ORDER NO. 34

Federal Rules of Civil Procedure 5 and 83, and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for filing, signing, and verifying documents by electronic means. The Court establishes the Case Management/Electronic Case Filing system ("CM/ECF") as the docketing and case management system for the Middle District of North Carolina.

CM/ECF is designed to capitalize on the use of automated technology in the administration of justice by promoting cost savings, more efficient maintenance of court records, and improved public access to case file information. As delineated in Local Rules 5.4 and 5.5, ECF permits electronic filing, signing and verification of pleadings and other papers with the Clerk of Court through the court's public web site, allows parties to use the court's transmission facilities to make service when appropriate, and authorizes the Clerk of Court to serve notice of orders and judgments electronically.

IT IS THEREFORE ORDERED:

1. Any document electronically filed or converted by the Clerk's Office to electronic format on or after March 1, 2005 shall be the official record of the Court.
2. The Clerk of the District Court is authorized to implement and publish the *User's Manual* and the *Electronic Case Filing Administrative Policies and Procedures Manual* in the District Court, including the procedure for registration of attorneys and for the distribution of

passwords to permit electronic filing and noticing of pleadings and other documents. This Standing Order is considered to be consistent with the Federal Rules of Civil and Criminal Procedures and the Middle District of North Carolina Local Rules. Any conflicts between the Administrative Procedures published by the Clerk of the District Court and any of the Rules are to be brought to the Court's attention immediately.

3. As a general rule, civil and criminal cases, including Social Security cases, are assigned to the Electronic Filing System. The Court may further designate which cases will be assigned to the Electronic Filing System and what exceptions to the system will be made.

4. All documents required to be filed with the Court in a case assigned to the Electronic Filing System shall be electronically filed, except where expressly provided or in the exceptional circumstances preventing electronic filing. Documents filed conventionally with the Court may be converted into an electronic format by the Court and in such cases, such documents will be treated for all purposes as if they had been electronically filed, except that conversion of a conventionally filed document to electronic format by the Court will not affect the original filing date and time of that document.

5. Only a Registered Participant or an authorized employee of the Registered Participant may file documents electronically. To become a Registered Participant, or to act as an authorized employee of the Registered Participant, a person must satisfy the registration requirements established by the Court and participate in training as required by the Court unless the Clerk is satisfied that training is not necessary.

6. The electronic filing of complaints, petitions, pleadings, motions, or other documents by an attorney who is a registered participant in the Electronic Case Filing System shall

constitute the signature of that attorney under Federal Rule of Civil Procedure 11.

7. No attorney shall knowingly permit or cause to permit the attorney's password to be utilized by anyone other than an authorized employee of the attorney's law firm.

8. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

9. The electronic filing of pleadings or other documents in accordance with the *Electronic Case Filing Administrative Policies and Procedures* shall constitute entry of that pleading or other document on the docket kept by the Clerk under Federal Rule of Civil Procedure 79. Except in the case of documents first filed in paper, a document filed electronically is deemed filed at the date and time stated on the "Notice of Electronic Filing" that is automatically generated from CM/ECF.

10. All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with the *Electronic Case Filing Administrative Policies and Procedures*, which shall constitute entry on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rule of Criminal Procedure 55. All signed orders will be filed electronically by the court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

11. The "Notice of Electronic Filing" that is automatically generated by CM/ECF, except as provided below, constitutes service of the filed document on Registered Participants. Parties

who are not Registered Participants must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedures and the local rules.

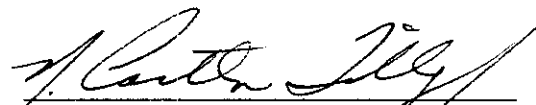
12. Participation in the Electronic Case Filing System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49. Registered Participants in the Electronic Case Filing System, by receiving a password from the Court, agree to receive service by electronic means.

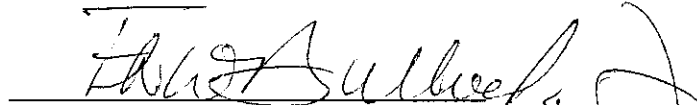
13. Effective January 1, 2006, attorneys shall file all documents electronically, except where expressly provided in the *User's Manual* and the *Electronic Case Filing Administrative Policies and Procedures Manual*. Parties without legal representation (*pro se*) are not required to file documents electronically, but must adhere to the filing requirements of Local Rule 7.1.

14. The effective date of the Standing Order is March 1, 2005.

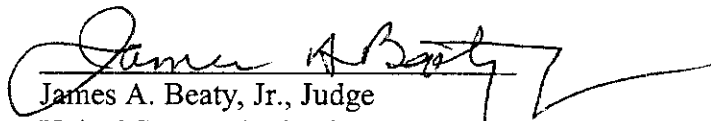
IT IS SO ORDERED.

DATED this ²⁶ day of January, 2005.


N. Carlton Tilley, Jr., Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


William L. Osteen, Judge
United States District Court


James A. Beaty, Jr., Judge
United States District Court